

AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

Filed Oct 11 2016
 Clerk, U. S. District Court
 Western District of Texas
 By [Signature]
 Deputy

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Antonio TOVAR-Guapo

Case Number: EP:16-mj-3910-RFC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 10/8/2016 in El Paso County, in the Western District Of Texas defendant(s) did, being an alien to the United States, enter, attempt to enter, or was found in the United States after having been previously excluded, deported, or removed from the United States without receiving permission to reapply for admission to the United States from the Attorney General of the United States and the Secretary of Homeland Security, the successor pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557

in violation of Title 8 United States Code, Section(s) 1326

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

The DEFENDANT, TOVAR-Guapo, Antonio, an alien to the United States and a citizen of Mexico was found in the United States on October 8, 2016 at El Paso County, Texas in the Western District of Texas. From statements made by the DEFENDANT to the arresting Agent, DEFENDANT was determined to be a native and citizen of Mexico, without immigration documents allowing him to be or remain in the United States legally. DEFENDANT has been previously removed from the United States to Mexico on October 1, 2013 through El Paso, TX. DEFENDANT has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

[Signature]
 Signature of Complainant

George Villegas
 Printed Name of Complainant

Sworn to before me and subscribed in my presence,

10/11/2016
 Date

at El Paso, TX
 City/State

Robert F. Castaneda
 Name & Title of Judicial Officer

U.S. Magistrate Judge

[Signature]
 Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT
WESTERN DISTRICT OF TEXAS

Antonio TOVAR-Guapo

PEPT# PEPT171000152

10/11/2016

FACTS (CONTINUED)

On October 8, 2016, at approximately 1:50 PM, Border Patrol Agent Roberto Saucedo Jr observed an individual make an illegal entry at an area that is approximately 1.6 miles west of the Paso Del Norte Port of Entry in El Paso, Texas. Agent Saucedo approached the individual, identified himself as a United States Border Patrol Agent and questioned him as to his citizenship. The individual later identified as the DEFENDANT: Tovar-Guapo, Antonio, admitted to being a citizen and national of Mexico as well as not having any immigration documents. In addition, the DEFENDANT admitted to having an immigration and criminal history. After a brief interview, it was determined that the DEFENDANT was not in possession of any immigration documents allowing him to enter, be, or remain in the United States legally. The DEFENDANT was placed under arrest and transported to the Paso Del Norte Processing Center for further questioning and processing.

The DEFENDANT was enrolled into the E3/IDENT/NGI system utilizing his fingerprints and photo. The system identified the DEFENDANT and revealed a prior immigration and criminal history. The DEFENDANT was read his rights as per Form I-214 in the Spanish language, which he acknowledged that he understood by signing the form.

Further immigration records checks revealed that the DEFENDANT has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

The DEFENDANT agreed to provide a sworn statement without an attorney present and admitted to entering the United States illegally. The DEFENDANT further admitted to have been previously removed for the United States.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

Immigration History:

The DEFENDANT has been deported once to MEXICO on October 1, 2013, through PASO DEL NORTE, TX, BRIDGE.

Criminal History:

On June 13, 2012, in El Paso, TX, the DEFENDANT was Convicted of AGG Assault w/Deadly Weapon(F) and sentenced to Deferred Adjudication; 7 Yrs Probation; \$231 Court Cost; \$750 Fine.

On February 13, 2014, in El Paso, TX, the DEFENDANT was charged with Assault Family/Household Member W/Prev Conv(F), the disposition is Pending.